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LETTER DATED 7 AUGUST 1995 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to convey to you, and through you to the members of the Security Council, information about the latest developments in Croatia and about United Nations activities before and since the recent outbreak of hostilities there. It covers events up to midnight New York time on 6 August.

Following the Croatian Army's takeover of Sector West in May 1995, tensions have remained high in the area of operations of the United Nations Confidence Restoration Operation (UNCRO). Croatian Army mobilization, troop movements and live-firing exercises increased throughout June and July. In the meantime, the local Serb authorities failed to extend the necessary cooperation to UNCRO to permit it to implement the mandate granted to it by the Security Council in its resolution 981 (1995) of 31 March 1995.

On 19 July, the "Krajina Serb" army ("ARSK") and the forces loyal to Mr. Fikret Abdic launched offensives against the Bosnian Army V Corps in the Bihac pocket. The attacks were supported by Bosnian Serb shell fire along the southern confrontation line and were alleged to be in response to earlier military actions by the Bosnian Army. The following day, the Minister for Foreign Affairs of Croatia warned the Security Council that "the displacement of the population of Bihac ... would be considered a serious threat to the security and stability of Croatia ... [and] Croatia may be compelled to undertake necessary measures to secure its status and territory".

In an effort to stabilize the deteriorating military situation, the United Nations Peace Forces (UNPF) finally succeeded in arranging a meeting between the military leaders of the Croatian Army and "ARSK". The local Serb authorities subsequently cancelled the military meeting after they had accepted an invitation by the United Nations Co-Chairman of the Steering Committee of the International Conference on the Former Yugoslavia, Mr. Thorvald Stoltenberg, to participate in a preliminary round of political talks at Geneva in early August.

The pace of events gathered momentum after 22 July, when the Presidents of Croatia and Bosnia and Herzegovina signed the Split Declaration, which committed the Croatian Government to assist the Bosnian forces militarily in the Bihac pocket. The Croatian Government maintained the position, already conveyed by

its Foreign Minister to the Security Council, that the fall of the Bihac pocket would threaten its national security interests.

On 28 July, the combined forces of the Croatian Army (HV) and Croat Defence Council (HVO) succeeded in capturing Bosansko Grahovo and Glamoc in Western Bosnia and Herzegovina, severing the Krajina Serbs' main supply road from Banja Luka to Knin. In response, the Krajina Serbs and the Bosnian Serbs declared states of war against the Croats and mobilized their respective armies.

Within Croatia, the Croatian Army continued a major build-up of troops around Sectors North and South. The Serbs in Croatia and Bosnia, meanwhile, convened a session of their joint Supreme Defence Council on 1 August at Drvar in Bosnia and Herzegovina. The meeting resulted in an appeal to all Serbs, including the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro), to assist in the defence of Serb territory.

Meanwhile, on 29 July, my Special Representative, Mr. Yasushi Akashi, had met with President Tudjman to forestall what appeared to be an imminent military confrontation. President Tudjman expressed his Government's willingness to participate in political and military talks with Knin, but stressed that progress on the ground must necessarily follow. If such progress was not achieved in a matter of days, Croatia would take whatever measures it deemed necessary to redress the situation. Specifically the President insisted on the reopening of the Adriatic oil pipeline within 24 hours, rapid agreement on the opening of the Zagreb-Knin-Split railway and immediate progress on political re-integration of the Serbs on the basis of Croatia's Constitution and Law on Minorities. President Tudjman did, however, agree to send representatives to Geneva for the meeting sponsored by the International Conference on 3 August.

My Special Representative held emergency talks on 30 July with the local Serb authorities in Knin. He secured a six-point commitment that their forces would withdraw fully from the Bihac pocket and desist from further cross-border interference (see annex I). However, the Croatian Government considered these commitments insufficient. In a written reply, President Tudjman rejected the agreement, on the grounds that it did not meet the terms he had presented to my Special Representative (see annex II). The Croatian Government did, however, reaffirm its readiness to participate in the talks at Geneva.

On 3 August, at Geneva, Mr. Stoltenberg duly chaired the meeting of the representatives of the Croatian Government and the Croatian Serbs. The former took the position that the Croatian Serb leadership must immediately accept reintegration under the Croatian Constitution and Laws. The Croatian Serb delegation proceeded from the starting-point that there should be a cessation of hostilities, following which other issues could be discussed. After a series of bilateral meetings, the Co-Chairman presented to the two delegations a list of seven points covering, inter alia, the reopening of the oil pipeline, the reopening of the Zagreb-Knin-Split railway and negotiations on a final settlement on the basis of the "Zagreb-4" plan. The Croatian Serb delegation was inclined to accept the paper as a useful basis for progress, subject to clearance by its political leadership, but the Croatian Government delegation's view was that the paper did not address its fundamental concern for the Krajina Serbs to be reintegrated under the Croatian Constitution and Laws.

Following the Croatian Government's rejection of the paper prepared at Geneva, I telephoned President Tudjman on the evening of 3 August and urged the utmost restraint. At the same time, I instructed Mr. Stoltenberg to proceed to Zagreb the next morning and to continue to work closely with Mr. Akashi in trying to prevent an outbreak of hostilities.

Despite these United Nations efforts and similar efforts by various Member States, at 0500 hours on 4 August the Croatian Army launched a major offensive against the Krajina region (Sectors North and South). I immediately issued a statement expressing my regret at the outbreak of hostilities in Croatia, and urging the parties to respect international humanitarian law and the human rights of the affected population.

At the start of the Croatian offensive, a significant number of United Nations observation posts were overrun by the Croatian Army, and some came under indirect and direct fire. UNPF reported to me that on two occasions United Nations troops and Serb prisoners were used as human shields by Croatian Army units as they conducted their attacks. These incidents have been vigorously protested by the United Nations and the troop-contributing Governments concerned.

On the first day of the Croatian offensive, my Special Representative met with Mr. Hrvoje Sarinic, the Head of the Croatian Commission for Relations with UNCRO, to seek assurances for the safety of all United Nations personnel. The Force Commander, Lieutenant-General Bernard Janvier, took similar action with the Chief of Staff of the Croatian Army, General Cervenko. I regret to have to report that, these efforts notwithstanding, the United Nations has suffered a total of 18 casualties, all of which have also been protested. Three of these casualties (a Danish soldier and two Czech soldiers) were fatal and two other soldiers are in serious condition. I should like to take this occasion to convey to the Government and people of the Czech Republic and Denmark my condolences at their loss.

On 5 and 6 August, my Special Representative held a number of meetings with Mr. Sarinic to discuss temporary arrangements that would allow the United Nations, together with other international organizations, to cope with the major humanitarian difficulties caused by the Croatian offensive and to monitor the human rights situation on the ground. These discussions resulted in a nine-point agreement that was signed on 6 August (see annex III).

On 6 August in Geneva, the Co-Chairmen of the International Conference's Steering Committee, Mr. Carl Bildt and Mr. Thorvald Stoltenberg, along with the Foreign Minister of Spain, representing the Presidency of the European Union (EU), and the External Relations Commissioner of EU, met the Foreign Minister of Croatia, Mr. Mate Granic, to discuss the political consequences of the Croatian offensive. The Co-Chairmen of the International Conference and the representatives of EU strongly condemned the shelling of civilians and the attacks on United Nations personnel and expressed great concern at the humanitarian crisis which was unfolding. Foreign Minister Granic, who expressed confidence that the Croatian military operation would be completed within 24 hours, indicated that Croatia would investigate incidents in which United

Nations troops had been attacked and gave assurances about access for humanitarian organizations to civilians displaced by the fighting.

In the meantime, the Force Commander's representatives have been in contact with the military authorities of the Croatian Army and "ARSK". They have discussed the medical evacuation of United Nations personnel, and the need to alleviate the consequences of the military operations for the civilian population. A refugee crisis of major proportions has already started. Tensions remain high and the possibility of continuing hostilities cannot be ruled out.

I should be grateful if you would bring the above information to the attention of the members of the Security Council.

(Signed) Boutros BOUTROS-GHALI

Annex I

Following the visit to Knin by Mr. Yasushi Akashi, the Special Representative of the Secretary-General of the United Nations, and General Bernard Janvier, the Force Commander of the United Nations Peace Forces (UNPF), and the important discussions held with the leadership in Knin, led by Mr. Martic and in which Mr. Babic and General Mrksic participated, and in the light of assessing the extreme seriousness of the situation in the area, the Republic of Serb Krajina (RSK) leadership reiterated their commitment to the peaceful solution of the conflict and for that purpose agree to the following:

1. That there are, and there will be, no troops or individual soldiers of the ARSK in the area known as the Bihac pocket.

2. That the ARSK forces will refrain entirely from directing any kind of fire (shell, mortar, tank, etc.) into the Bihac pocket from territory that they control, and expect that the V Corps shall in reciprocity refrain from any offensive action against that territory.

3. That troops and Military Observers of the United Nations deployed in territory under RSK control will be allowed unhindered access to the area bordering the Bihac pocket to monitor any crossing of the border in either direction by any forces.

4. That the military commander of the ARSK, General Mrksic, is prepared to have the first meeting with the commander of the Croatian army at any time under UNPF auspices at the Turanj crossing, including as early as 31 July 1995 at 1400 hours.

5. Reaffirming their commitment not to carry out cross-border activities, RSK reiterates its support for, and willingness to continue the talks with UNPF regarding the establishment of appropriate observation posts in the area of Mount Dinara, and to facilitate the implementation of the border-crossing points under the mandate of UNPF.

6. That no impediments will be placed in the way of delivery of humanitarian assistance to the Bihac pocket, based on the principle of assessed need, and with the understanding that humanitarian aid will be delivered to the Krajina region based on the same principle, as applied by the Office of the United Nations High Commissioner for Refugees.

30 July 1995
Knin

Annex II

Letter dated 30 July 1995 from the President of the Republic of Croatia addressed to the Special Representative of the Secretary-General

In response to your fax which I received today, at 2130 hours, together with the enclosed proposals from the Knin rebels, I would like to state the following:

1. It is surprising that in your letter you never mention UNCRO - the United Nations peace forces which were under this name given the mandate to act in Croatia by a Security Council resolution and, in contrast, you do mention the Knin leadership and RSK.

2. It is unacceptable for us to have UNCRO troops deployed only on the border towards the Bihac pocket. Our request was and remains that UNCRO forces undertake the monitoring of internationally recognized borders between the Republic of Croatia and Bosnia and Herzegovina, but at the same time also between the Republic of Croatia and Serbia, that is SRY, which is particularly significant because in these last few days new formations and equipment of the Yugoslav army have been transferred across the Danube.

3. In regard to what was stated under point 2 there can be no question of deploying United Nations border-crossing monitors only in the region of Dinara.

4. Serb rebel leaders again want to outwit United Nations Representatives and UNCRO for their own benefit. That is apparent from their proposal to allow humanitarian aid for Bihac under the condition that it is at the same time delivered to them.

5. Such proposals do not represent any basis for peaceful reintegration and do not contain a response to any of the conditions which I put forward in discussions with you on Saturday, 29 July 1995, when I expressly indicated that negotiations on a peaceful reintegration with Croatian Serbs from the occupied areas can commence under the following conditions:

(a) That Croatian authorities will not negotiate with Milan Martić, who has been placed on the list of war criminals by the International Court in the Hague or with anyone else representing him;

(b) That negotiations can commence if the oil pipeline passing through the occupied areas is operational in a period of 24 hours;

(c) That direct discussions commence immediately concerning the opening of all communication lines through the occupied areas, and in particular the railway line Zagreb-Split via Knin;

(d) That discussions are simultaneously undertaken concerning the immediate implementation of the Constitution of the Republic of Croatia in the

occupied areas as well as the provisions of the Constitutional Law concerning the rights of the Serb ethnic community.

6. Only on the basis of this can we reach a peaceful solution and with this aim I propose discussion between military and civilian representatives of Croatian authorities and the rebel Croatian Serbs from the occupied areas.

The President of the Republic of Croatia
Dr. Franjo Tudjman

(Original signed - sealed)

Annex III

Agreement between the Government of the Republic of Croatia and the United Nations Peace Forces (UNPF)-United Nations Confidence Restoration Operation (UNCRO) on temporary measures in the areas formerly known as "Sector North" and "Sector South"

We the undersigned,

Concerned by the effects of the hostilities on the lives of civilians in the areas formerly known as "Sector North" and "Sector South" (hereinafter referred to as the Areas),

Committed to minimizing the loss of civilian life from hostilities,

Dedicated to ensuring to the maximum extent possible the full protection of civilians and of their human rights,

Committed to providing for the humanitarian needs of the civilian population affected by the hostilities in the Areas,

Recognizing the need to ensure full respect for international human rights and humanitarian law,

Agree to the following:

1. That Croatia expresses its complete and unequivocal commitment to the full respect for the human rights of all individuals in the Areas concerned, and guarantees that those rights will be respected by all Croatian authorities.

2. That, further to clause 1 above, Croatia concurs that the United Nations Confidence Restoration Operation (UNCRO), together with the Office of the United Nations High Commissioner for Refugees (UNHCR) and the International Committee of the Red Cross (ICRC) where appropriate, will monitor and report on the human rights situation in the Areas, and intervene with the Croatian authorities on human rights matters when appropriate.

3. That, further to clause 1 above, Croatia encourages all those previous inhabitants of the Republic of Croatia who so wish to remain peacefully in the areas over which Croatian authority is exercised. However, Croatia will allow, with full guarantees for security, the departure from those areas of all those who express their desire to do so, except those who committed violations of international criminal law. In the event of any such departures, Croatia pledges to allow UNCRO and humanitarian organizations, particularly UNHCR and ICRC, to assist and coordinate such departures in conformity with recognized international standards.

4. That full access by UNCRO and by humanitarian organizations, particularly UNHCR and ICRC, to the civilian population, for the purpose of providing for the humanitarian needs of the civilian population, will be assured by

the authorities of Croatia, to the extent allowed by objective security considerations.

5. That United Nations military observers and human rights monitoring elements of UNCRO will carry out surveillance immediately in all areas except where, in the opinion of the local UNCRO military commanders after consulting Croatian army commanders, the security situation does not permit for such surveillance.

6. That Croatia, and in particular its military authorities, will make every effort to ensure that civilian areas are not targeted by direct or indirect military fire as long as the hostilities continue.

7. That, if UNCRO commanders become aware that local military personnel have departed from a specific location where only non-combatants are present, and that the location is under fire by Croatian forces, this information will be immediately passed to the Headquarters of the Croatian Army for appropriate action.

8. That, in conformity with its international obligations, Croatia reiterates the inviolability of United Nations premises and establishments, and its vehicles, and all those therein, and thus commits all Croatian authorities to fully respect such inviolability. Croatia further emphasizes that none of its authorities will seek to remove any person or persons from such United Nations premises, establishments or vehicles.

9. That the future relations of the two parties in this matter will be defined as soon as possible.

(Signed) Hrvoje SARINIC
Republic of Croatia

(Signed) Yasushi AKASHI
United Nations Peace Forces

Zagreb
6 August 1995